

Notice of Allowability

Application No.

10/672,587

Examiner

Trinh T Nguyen

Applicant(s)

GREENE ET AL.

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/29/03.
2. ☒ The allowed claim(s) is/are 11-17 and 19.
3. ☒ The drawings filed on 29 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>Attached</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Homer on 8/9/04.

The application has been amended as follows:

In claim 11: replace the phrase "The device of claim 3," with --The device of claim 13,--

In claim 12: replace the phrase "The device of claim 3," with --The device of claim 13,--

In claim 13: replace the phrase "a surface area less than a surface area of the cutting plate, placed upon the cutting place; an explosive charge placed upon the sheet of material, positioned substantially along the orthogonal grooves on the first side;"

with --a surface area less than a surface area of the cutting plate and having a first and a second sides wherein the first side comprises a position against the front side of the cutting plate, placed upon the front side of the cutting plate with the orthogonal grooves; an explosive charge placed upon the sheet of material, positioned substantially along the orthogonal grooves, only on the second side of the sheet of material;--

In claim 19: replace the phrase “placing a sheet of steel based material on the aluminum or steel based material, the sheet having substantially orthogonal grooves on a side away from the aluminum or steel based material; placing a second sheet, comprising a polymer material and having a surface area less than a surface area of the sheet of steel based material, on the grooves; placing an explosive charge on the second sheet, positioned in substantial alignment with the grooves; and”

with --placing a first sheet of steel based material on the aluminum or steel based material, the first sheet having substantially orthogonal grooves on a side away from the aluminum or steel based material; placing a second sheet, comprising a polymer material and having a surface area less than a surface area of the first sheet of steel based material and having a first and a second sides wherein the first side comprises a position against the front side of the first sheet, on the side of the first sheet on the grooves; placing an explosive charge on the second sheet, positioned in substantial alignment with the grooves, only on the second side of the second sheet; and—

Claims 1-10, and 18 are cancelled.

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or render obvious a motivation to provide (1) a device for creating an opening in a target material as claimed in claim 13, especially a cutting plate, having

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a second hardness being greater than the first hardness, with orthogonal grooves on a front side; a sheet of material, having a third hardness being less than the second hardness and having a surface area less than a surface area of the cutting plate and having a first and a second sides wherein the first side comprises a position against the front side of the cutting plate, placed upon the front side of the cutting plate with the orthogonal grooves; an explosive charge placed upon the sheet of material, positioned substantially along the orthogonal grooves, only on the second side of the sheet of material, these along with the rest of other limitations/features as claimed and (2) a method of creating an opening in a based material as claimed in claim 19, especially placing a first sheet of steel based material on the aluminum or steel based material, the first sheet having substantially orthogonal grooves on a side away from the aluminum or steel based material; placing a second sheet, comprising a polymer material and having a surface area less than a surface area of the first sheet of steel based material and having a first and a second sides wherein the first side comprises a position against the front side of the first sheet, on the side of the first sheet on the grooves; placing an explosive charge on the second sheet, positioned in substantial alignment with the grooves, only on the second side of the second sheet, these along with the rest of other limitations/features as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

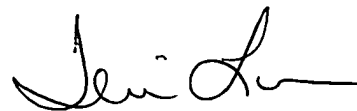
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh T Nguyen whose telephone number is (703) 306-9082. The examiner can normally be reached on M-F (9:30 A.M to 6:00 P.M).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on (703) 306-4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ttn
ttn
8/19/04



TERI PHAM LUU
PRIMARY EXAMINER